

1 GREGORY P. O'HARA, CA BAR NO. 131963  
gpohara@thelen.com  
2 DANIEL J. MULLER, CA BAR NO. 193396  
dmuller@thelen.com  
3 KARIN M. FRENZA, CA BAR NO. 244606  
kfrenza@thelen.com  
4 TOMOMI HARKEY, CA BAR NO. 244886  
tharkey@thelen.com  
5 THELEN REID BROWN RAYSMAN & STEINER LLP  
6 225 West Santa Clara Street, 12<sup>th</sup> Floor  
7 San Jose, CA 95113  
Telephone: (408) 292-5800  
8 Facsimile: (408) 287-8040

9 Attorneys for Defendant and Counter-Claimant  
10 SAVE MART SUPERMARKETS

11 JOHN D. FAIRBROOK, CA BAR NO. 105115  
ARTHUR B. MARK III, CA BAR NO. 220865  
12 TRAINOR FAIRBROOK  
980 Fulton Avenue  
13 Sacramento, California 95825  
Telephone (916) 929-7000  
14 Facsimile: (916) 929-7111

15 Attorneys for Plaintiff and Counter-Defendant  
16 WRI GOLDEN STATE, LLC

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**  
20

21 WRI GOLDEN STATE, LLC, a Delaware  
22 limited liability company,

23 Plaintiff,

24 vs.

25 SAVE MART SUPERMARKETS, d/b/a FOOD  
26 MAXX,

27 Defendant.  
28

Case No.: C07-1480 (MMC)

**STIPULATION AND ~~PROPOSED~~ ORDER  
FOR ALL COUNSEL TO APPEAR  
TELEPHONICALLY AT MARCH 28, 2008  
FURTHER CASE MANAGEMENT  
CONFERENCE**

Plaintiff and Counter-Defendant WRI GOLDEN STATE, LLC, a Delaware Limited Liability Company (hereinafter "WRI") and Defendant and Counter-Claimant SAVE MART SUPERMARKETS, d/b/a FOOD MAXX (hereinafter "SAVE MART") by and through their respective attorneys of record (collectively the "Parties") respectfully submit the following stipulation for the Court's consideration.

**STIPULATION**

WHEREAS a further Case Management Conference is scheduled for March 28, 2008 at 10:30 a.m.;

WHEREAS due to a planned trip out of the area, counsel for Save Mart wishes to appear telephonically in lieu of personal appearance;

WHEREAS counsel for WRI has agreed to appear telephonically to accommodate counsel for Save Mart's request.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED that, subject to the Court's approval, all parties will appear telephonically during the March 28, 2008 further Case Management Conference.

Dated: March 19, 2008

THELEN REID BROWN RAYSMAN & STEINER LLP

By: /s/  
Daniel J. Muller

Attorney for Defendant and Counter-Claimant  
SAVE MART SUPERMARKETS

Dated: March 19, 2008

TRAINOR FAIRBROOK

By: /s/  
John D. Fairbrook  
Arthur B. Mark III

Attorneys for Plaintiff and Counter-Defendant  
WRI GOLDEN STATE, LLC

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 Dated: March 25, 2008

3   
HONORABLE MAXINE M. CHESNEY  
4 United States District Court Judge  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28